

**United States District Court**

**for the**

**Eastern District of Washington**

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Kimberly Lee Fawver Case Number: 0980 2:13CR00096-RHW-1

Address of Offender: [REDACTED], Spokane Valley, Washington 99206

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: January 23, 2014

Original Offense: Conspiracy to Commit Bank Fraud, 18 U.S.C. § 1349;  
Aggravated Identity Theft, 18 U.S.C. § 1028A

Original Sentence: Prison 48 months; Type of Supervision: Supervised Release  
TSR - 60 months

Asst. U.S. Attorney: Timothy J. Ohms Date Supervision Commenced: November 25, 2016

Defense Attorney: Federal Defenders Office Date Supervision Expires: November 24, 2021

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**PETITIONING THE COURT**

To issue a **WARRANT** and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 10/06/2017, and 10/12/2017.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number      Nature of Noncompliance

5      **Special Condition # 21:** You shall abstain from the use of illegal controlled substances, and shall submit to testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** On November 25, 2016, supervision commenced in this matter. On November 28, 2016, a supervision intake was completed. Ms. Fawver signed a copy of her judgement, acknowledging an understanding of the conditions imposed by the Court, which included special condition number 21, as noted above.

Ms. Fawver violated the terms of her supervised release on or about October 25, 2017, by consuming a controlled substance, morphine and codeine.

On October 24, 2017, a revocation hearing was held. Ms. Fawver was granted release and was directed to report to probation the following day.

On October 25, 2017, Ms. Fawver reported as directed and submitted to a urinalysis test which tested presumptive positive for opiates. Mr. Fawver provided proof of a hydrocodone prescription. The sample was sent to the lab for additional testing.

On October 26, 2017, Ms. Fawver appeared at Pioneer Human Services for the purposes of a random urinalysis test. The sample tested presumptive positive for opiates. The sample was sent to the lab for additional testing.

Lab reports for both referenced urinalysis tests have been received. Both specimens tested positive for morphine and codeine, which Ms. Fawver does not have a prescription for.

- 6      **Standard Condition # 1:** The defendant shall not leave the judicial district without the permission of the court or probation officer.

**Supporting Evidence:** On November 25, 2016, supervision commenced in this matter. On November 28, 2016, a supervision intake was completed. Ms. Fawver signed a copy of her judgement, acknowledging an understanding of the conditions imposed by the Court, which included standard condition number 1, as noted above.

Ms. Fawver violated the terms of her supervised release on or about November 14, 2017, by leaving the judicial district and entering the District of Idaho without advanced permission.

The Coeur d'Alene Police Department advised the undersigned that on November 14, 2017, Kimberly Fawver and Brittney Hearn were contacted at Enterprise Car Rental in Coeur d'Alene, Idaho, in reference to a stolen vehicle. Ms. Fawver did not have permission, nor did she request permission, to travel to the District of Idaho.

- 7      **Standard Condition # 7:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

**Supporting Evidence:** On November 25, 2016, supervision commenced in this matter. On November 28, 2016, a supervision intake was completed. Ms. Fawver signed a copy of her judgement, acknowledging an understanding of the conditions imposed by the Court, which included standard condition number 7, as noted above.

Ms. Fawver violated the terms of her supervised release on or about November 14, 2017, by being in possession of drug paraphernalia.

The Coeur d'Alene Police Department advised the undersigned that on November 14, 2017, Kimberly Fawver and Brittney Hearn were contacted at Enterprise Car Rental in Coeur d'Alene, Idaho, in reference to a stolen vehicle. At the time of contact, Ms. Fawver had driven into the Enterprise parking lot with the intent of returning the rental vehicle that was previously reported stolen.

A search of the vehicle resulted in findings of the following: a bag that contained a black cloth container that had two baggies with a green leafy substance, a loaded syringe, 12 unused syringes, a butane lighter and spoons. Ms. Fawver stated it was her friend's bag,

(Shalena Paul) and she is a drug user. Ms. Fawver told the officer that they left Shalena in Spokane, Washington.

Law enforcement was unable to locate any of Ms. Fawver's property inside the bag that contained the drug paraphernalia. Law enforcement could not establish if Ms. Fawver or Ms. Hearn had control of the items, therefore no charges were filed.

- 8      **Standard Condition # 9:** The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.

**Supporting Evidence:** On November 25, 2016, supervision commenced in this matter. On November 28, 2016, a supervision intake was completed. Ms. Fawver signed a copy of her judgement, acknowledging an understanding of the conditions imposed by the Court, which included standard condition number 9, as noted above.

Ms. Fawver violated the terms of her supervised release on or about November 14, 2017, by associating with known felons and individuals engaged in criminal activity.

The Coeur d' Alene Police Department advised that on November 14, 2017, Kimberly Fawver and Brittney Hearn were contacted at Enterprise Car Rental in Coeur d' Alene, Idaho, in reference to a stolen vehicle. At the time of contact, Ms. Fawver had driven into the Enterprise parking lot with the intent of returning the rental vehicle that was previously reported stolen.

A search of the vehicle resulted in findings of the following: a bag that contained a black cloth container that had two baggies with a green leafy substance, a loaded syringe, 12 unused syringes, a butane lighter and spoons. Ms. Fawver stated it was her friend's bag, (Shalena Paul) and she is a drug user. Ms. Fawver told the officer that they left Shalena in Spokane, Washington.

In addition, law enforcement advised that Ms. Fawver was picked up by Tami Hearn, a convicted felon with approximately 20 prior felony convictions. Tami Hearn was accompanied by Henry Ramirez, who is currently on federal supervision.

Ms. Fawver did not have permission to associate with these named individuals.

- 9      **Standard Condition #2:** The defendant shall report to the probation officer in a manner and frequency directed by the court of probation officer.

**Supporting Evidence:** On November 25, 2016, supervision commenced in this matter. On November 28, 2016, a supervision intake was completed. Ms. Fawver signed a copy of her judgement, acknowledging an understanding of the conditions imposed by the Court, which included standard condition number 2, as noted above.

Ms. Fawver violated the terms of her supervised release on or about December 4, 2017, by failing to report as directed.

On November 29, 2017, the undersigned received an anonymous call reporting Ms. Fawver was actively consuming methamphetamine. The undersigned left messages for Ms. Fawver to report the following morning to submit to urinalysis testing. Ms. Fawver responded by

text message advising she was at an appointment and would call the undersigned afterward.

On November 30, 2017, Ms. Fawver failed to report to the probation office in the morning as directed. She sent text messages alleging she was working on applying for services through DSHS. Later that evening, she advised she could not make it on time due to limitations with the bus schedule. A follow up phone call was completed. Ms. Fawver was directed to report to Pioneer Human Services for the urinalysis that evening and to report to the undersigned on the morning of Monday, December 4, 2017. Mr. Fawver failed to report on December 4, 2017.

10      **Standard Condition #3:** The defendant shall answer truthfully all inquiries of the probation officer and follow instructions of the probation officer.

**Supporting Evidence:** On November 25, 2016, supervision commenced in this matter. On November 28, 2016, a supervision intake was completed. Ms. Fawver signed a copy of her judgement, acknowledging an understanding of the conditions imposed by the Court, which included standard condition number 3, as noted above.

Ms. Fawver violated the terms of her supervised release on or about December 4, 2017, by failing to provide documentation of appointments that prevented her from reporting the week prior.

On November 29, 2017, the undersigned received an anonymous call reporting Ms. Fawver is actively consuming methamphetamine. The undersigned left messages for Ms. Fawver directing her to report the following morning to submit to urinalysis testing. Ms. Fawver responded by text message advising she was at an appointment and would call the undersigned afterward.

On November 30, 2017, Ms. Fawver failed to report in the morning as directed. She sent text messages alleging she was working on applying for services through DSHS. Later that evening, she advised she could not make it on time due to limitations with the bus schedule. A follow up phone call was completed. Ms. Fawver was directed to report to the undersigned on the morning of Monday, December 4, 2017, with proof of appointments that were preventing her from reporting that morning. Ms. Fawver agreed to comply. Ms. Fawver failed to report on December 4, 2017, therefore failing to submit requested documentation.

**Re: Fawver, Kimberly Lee**

**December 5, 2017**

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The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court issue a warrant.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/05/2017

s/Melissa Hanson

Melissa Hanson  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

December 6, 2017

Date